

REORGANIZING THE CIA: WHO AND HOW

In FOREIGN POLICY 22, Peter Szanton and Graham Allison wrote that the time had come to "seize the opportunity" and restructure the American intelligence community. In the exchange that follows, William E. Colby and Walter F. Mondale comment on their proposals and Szanton and Allison reply. —The Editors.

William E. Colby:

Indeed we have an opportunity to rethink and restructure American intelligence. A year of intensive investigation by a presidential and two congressional committees, worldwide concern over sensational accounts of CIA deeds and misdeeds, and a series of Constitutional confrontations between the executive and legislative branches cannot disappear into our history books without changes in American intelligence.

The first and easiest action would be to tinker with the organizational structure of intelligence. When in doubt, or under pressure, reorganize; this is an old bureaucratic ploy. It is also a tempting panacea for infinite problems. With due respect for the ideas suggested by Peter Szanton and Graham Allison, but without agreement with many of them, I believe this opportunity should be seized in more important fields.

The fundamental lesson of the year of investigation is that American intelligence is a part of and must operate under the American constitutional system. This perhaps obvious fact for Americans is a stunning novelty in the long history of intelligence. It is as startling an idea to many developed democracies as it is incongruous to totalitarians. It does not reverse any early American

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doctrine to the contrary, but it does overturn longstanding and comfortable practices which grew up before the question was squarely faced.

Three conclusions stem from this new status of intelligence. First, the place of intelligence in the governmental structure must be established and understood in open statutes and directives. The National Security Act of 1947 made a start in this direction, and the CIA Act of 1949 provided statutory authority for many of the essential attributes of our intelligence service. Both contain several vague and encompassing clauses, however. The resulting ambiguities led to actions which in retrospect fall below today's standards.

President Ford's executive order of February 18 makes a major stride in the direction of providing a public charter for American intelligence, describing its structure and functions and clearly delimiting areas of authorized, and unauthorized, activity. Substantial parts of this order, however, should be enacted into law, our constitutional process of establishing and recording our national consensus on matters of public import.

George Washington once said that upon "secrecy, success depends in most enterprises" of intelligence. The past year has shown almost a total lack of consensus and even understanding of the role and limits of secrecy in American intelligence. What were leaks rose at times to flood stage proportions. Strong voices are heard advocating almost every variation on the spectrum from a modern version of "open intelligence openly arrived at" to the contention that an Official Secrets Act should protect an intelligence structure totally hidden in the recesses of the executive branch. President Ford has recommended legislation which will impose the essential discipline on intelligence personnel to keep the secrets they learn but leave untrammelled the First Amendment's guarantee of a free press.

We have laws and sanctions to protect many secrets necessary to the preservation

and operation of our free society. The secret ballot box, the confidence between attorney and client, advance crop figures which might upset the market, all are protected by criminal sanctions against individuals who might disclose them. Intelligence secrets, however, are in effect only protected against the foreign spy. But their disclosure to our free society makes them available to the foreigner as well, and can cut our nation off from sources and information which are essential to its safety in a world which has not yet been made safe for democracy. Better protection of our sources through law would apply to the intelligence profession the same discipline that journalism has found essential to its functioning.

"The photographs must be published, the backgrounders attributed, the publications edited to protect the sources but circulate the substance of their reports . . . regularly to all members of Congress. . . ." —William E. Colby

The second conclusion from the new status of intelligence under the Constitution is that it must be responsible and accountable. This burden must rest not only on those in intelligence: it lies with equal weight on all three branches of our constitutional structure. President Ford has moved to strengthen executive control and responsibility for intelligence. The stronger position of the director of central intelligence, the interagency committee structure for the review of the policies and programs of national intelligence, and independent review and supervision by the private citizens of The President's Foreign Intelligence Advisory Board, all will increase the control and accountability of intelligence to the president himself and to the senior members of the executive branch.

Congress has an equal duty to arrange itself to exercise its constitutional role with respect to intelligence. It must assume its full

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responsibilities in all senses of the word. It must organize and carry out full and current reviews of the intelligence community, assuring that it not only remains within the guidelines set for it, but also that it is efficiently and comprehensively accomplishing the tasks assigned. Congress' other responsibility, however, is to do this without destroying the ability of intelligence to carry out its duties. Thus the secrets of intelligence must be protected on Capitol Hill as well as at the CIA's Langley headquarters. The minimum number of people, congressmen as well as staff, who truly "need to know" should be informed and should be subject to sanctions for improper disclosure. A single committee, in each House if necessary, should represent their colleagues in this function, ending the present requirement to brief at least six committees.

The third conclusion which derives from intelligence's advent to constitutional status is that it must *serve* the constitutional process. Traditionally and in other lands the servant only of the executive, it must now demonstrate its value to the Congress and to the public. It must earn the large investment needed by modern intelligence, the risks and inevitable occasional failures and embarrassments incurred, and respect for its professional discipline and secrecy. This must be accomplished by sharing the fruits of the enterprise with all participants in the American decision-making process.

Perhaps this is the most challenging task ahead for intelligence. It must develop the distinctions between protecting the secrecy of its sources and techniques and making available the substance of its information and conclusions. It must face public criticism and political challenge of its assessments. It must maintain the independence and objectivity of its judgments apart from the policies and programs they may support or question. Internationally, we must insist that an intelligence judgment is a step toward policy, not a reflection of it, whether relating to ally or adversary. In a political

debate where knowledge can be power, intelligence judgments must be supplied impartially to all factions, to help the best solution to emerge, rather than a favored one.

This will require many changes in intelligence habits and concepts. The photographs must be published, the backgrounders attributed, the publications edited to protect the sources but circulate the substance of their reports.

With these changes, intelligence can be distributed regularly to all members of Congress, not held under such high classifications that it cannot be circulated and made conveniently available. The estimates will be debated and the sage unanimity of the intelligence cloister challenged by those close to the struggle and fearful of irrational and foolhardy, but real, surprises. Out of the process, however, will come a better understanding of the role and value of modern intelligence, as well as better intelligence itself.

"Seizing the opportunity" to implement these conclusions will mark a major turning point in the discipline and profession of intelligence. In its wake may come some of the structural changes suggested by Szanton and Allison and by others joining in the close examination of intelligence sparked by 1975's investigations. Some of their and others' ideas will not be adopted, and additional ones will arise for consideration. But the coming of age of intelligence as a full participant and contributor to the constitutional process will start a continual review and renewal of intelligence to meet the challenges of the future. Among more substantial substantive benefits to the nation and to American intelligence, this will make unnecessary another sensational and shattering updating of American intelligence.

Walter F. Mondale:

Like most Americans, I have strongly supported the necessity of our government's conducting intelligence activities. But after

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witnessing hundreds of hours of testimony before the Senate Select Committee on Intelligence, I am also convinced that basic reform is necessary.

The committee heard respected former officials of our nation talk about institutionalizing an assassination capability in the CIA as though it were just another option. We studied how the United States has used bribery, corruption, and violence in almost every quarter of the globe, and saw how espionage is aimed at our friends as well as at our foes. The committee reviewed how our academic institutions, press, and religious institutions have been exploited for clandestine purposes, despite the special place these institutions must have in our democratic society.

"...there must be some fundamental changes in America's intelligence activities or they will fundamentally change America."

—Walter F. Mondale

It is clear to me that we have paid an extremely high price for any resulting secret success. American covert intervention often undermined the very democratic institutions we sought to promote. Because of our clandestine activities, the United States is regrettably regarded less and less as an example of democracy to be admired and emulated. Almost anything bad that happens in this world is attributed to the CIA—including the murder of King Faisal. And at home, the confidence of Americans in their government is weakened when our leaders use covert intelligence operations to mislead the public and short-circuit our democratic process. I have come to believe that there must be some fundamental changes in America's intelligence activities or they will fundamentally change America.

The proposals of Peter Szanton and Graham Allison in the spring issue of FOREIGN POLICY go in the right direction.

They improve upon similar recommendations I made last fall. I recognize the costs in such a reorganization, and George A. Carver, Jr., in his comment on the Szanton-Allison article, also in the spring issue, has pointed to certain aspects of them. But insofar as substantive problems can be met by structural change in the executive branch, I believe that the gains would outweigh the costs.

The problem, however, is deeper.

As the committee took testimony day after day on assassination plots, my first impression was that we were grappling with some of the darker forces of human nature: the undertaking of acts which would be unthinkable if not done in secret; the enthusiasm with which we emulated our enemy; how patriotism and loyalty could be perverted to the point of dishonoring the nation; the spectacle of men of great respect offering explanations and excuses at the margin of credibility.

My initial conclusion was that the answer lay in better accountability—vigorous congressional oversight plus a system in which officials cannot hide responsibility for their actions. To this end, I have supported a new Senate oversight committee with the power to authorize all national intelligence budgets.

But the problem, I am afraid, lies deeper still. It is not just a problem of means, it is a question of ends.

When America saw itself as primarily responsible for countering the Soviets and Communists throughout the world, our intelligence services responded. Since Vietnam, I believe America's view of its responsibilities has changed. However, there has been no redefinition of our role in the world, nor of the policies to be served by our intelligence activities.

As a start, I would suggest the following:

> Avoiding nuclear war is most important. It requires the best possible intelligence. The continuing suspicion and antagonism between the United States and the Soviet

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Union and the levels of nuclear weapons on each side, place a premium on the most accurate assessment of Soviet military capabilities and political intentions. Agreements to control nuclear and conventional arms need a strong intelligence base to ensure both sound agreements and compliance. To this end, I believe the Soviet Union and its allies must remain our Number One intelligence priority.

> Containing Soviet adventurism is the responsibility of all free countries. Each nation must look to its own resources first. If U.S. help is needed, covert action could prove vital. But, in general, I see little reason why U.S. aid should go through covert intelligence channels. Except in extraordinary circumstances, nations wishing American support should be prepared to admit it. The American people and the Congress must not be left in the dark about new commitments.

> Support for democracy. America remains the greatest friend of liberty in the world, if no longer the sole defender of every regime that calls itself anti-Communist. But helping the shattered democratic parties of Western Europe survive in the late 1940s is one thing, and seeking to overthrow a democratically elected government in Chile in the 1970s is quite another. Moreover, despite possible short-term success, covert action can be the enemy of democracy. It often amounts to corruption and nothing is more destructive of a democratic political system than corruption, in particular from a foreign source. If American aid to democracy is essential to offset Soviet subversion, we should find a way to do this openly. Perhaps our political parties can assume some of this responsibility, much as European Social Democratic parties have in Portugal.

> Meeting the problems of hunger and deprivation and building a more equitable world economic system are urgent tasks unsuited to clandestine activity. A foreign policy which relies heavily on covert intervention and espionage will be self-defeating in

this area, for it will cast doubt on the legitimacy of our cooperation and assistance. > Clandestine activities may prove essential to protect and advance our national interests in certain critical situations, such as thwarting terrorism, controlling narcotics, and bringing truth to nations blinded by censorship. But it has been naive for us to think that we could change a country's history with a couple of lies, a few guns, or a packet of dollars. We have ignored the strength of nationalism and people's determination to shape their own destiny. The Marshall Plan and NATO, along with the underlying vitality of the countries themselves, saved Europe from the Communists, not the CIA. The Alliance for Progress contained Castro in the early 1960s, not Operation MONGOOSE. In most cases, I believe America can be more effective if we are direct about what we want. Diplomacy and economic cooperation, backed by adequate military strength—these are the tools that America uses best to secure its interests.

I find myself in the unhappy position of not being able to take the stand that U.S. covert action should be banned. With the world as it is, I am afraid we may sometimes need it. But it is clear we have undertaken too much clandestine activity in the past. We need to control it through the kind of structural changes proposed by Szanton and Allison and make it accountable through strong congressional oversight. But beyond this, I believe we need a new statement of the role of clandestine activities in U.S. foreign policy. I hope that the next president of the United States speaks to the American people and the world as follows:

It will be the policy of the United States to conduct its relations with other countries on a straightforward basis. We will deal with other governments in confidence but not in stealth. We will be plain and direct about our own interests and concerns and about what we expect from others. We reject a policy of covert intervention into the internal affairs of other nations.

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America will continue those intelligence activities essential to its security and that of its friends and allies. We will do what we can to check Soviet adventurism and to promote democracy on an open basis, but these are first the responsibility of the countries concerned. Covert action will be reserved for extraordinary circumstances in which the security of this nation or of its allies is in serious jeopardy.

The era of covert day-to-day manipulation of media, people, and events by the United States has ended. American intelligence activities will be restructured accordingly.

Peter Szanton & Graham Allison:

Surely, William E. Colby is right in asserting that the fundamental lesson of the past year is that American intelligence must operate within our constitutional system. And equally clearly, Walter F. Mondale is right in arguing that the deepest problem of American intelligence is one of ends, not means; a problem to be solved not by tinkering with the intelligence community but by rethinking and restating our values and objectives in the external world.

"... Colby, after a professional lifetime in the executive branch, asks Congress to rectify the constitutional balance, while Mondale, a leading figure in the Congress, looks principally to executive leadership..." —Szanton & Allison

But two aspects of these attractive and large-minded concepts are troubling. One is that Colby, after a professional lifetime in the executive branch, asks Congress to rectify the constitutional balance, while Mondale, a leading figure in the Congress, looks principally to executive leadership for improvement. It is hard not to conclude that

the country would be far better off had Colby spent the last eight years in the Congress while Mondale occupied the White House. The second is that while focusing on constitutional and high policy issues is helpful in clarifying the transcending problems, it also tends to foreclose attention to lesser but still quite important questions.

This is the nation's first opportunity in a quarter-century to rethink what it wants from intelligence and how to get it. Absent further scandals or disasters, it will likely be the last such opportunity of this century. Once the constitutional balance has been struck, and once we have stopped asking our intelligence agencies to perform unjustified or repugnant or useless acts abroad, there will still remain the problem of how to improve the performance of these agencies at what has always been their major task: providing the U.S. government with early and authoritative understanding of developments abroad. In recent years, the community's analyses and assessments have proven highly variable in quality and far from satisfying. Their too frequent misuse and nonuse by policy-makers is a closely related problem. The already receding opportunity for reform should be used to insure not only that the community operates within constitutional boundaries and in the service of a supportable policy, but that it performs its hardest, least glamorous, and most important task to higher standards, and that the results are heard. Neither alertness in the Congress nor policy leadership in the White House, essential as both are, will solve those latter problems. Their solution will require far stronger incentives within the community to treat the work of analysis and assessment as paramount, and to enlarge the skills and preserve the neutrality necessary for such work. They will also require arrangements which more reliably confront decision-makers with the results. In short, organizational reform.